

GEORGIA STATE BOARD OF FUNERAL SERVICE
Secretary of State, Professional Licensing Boards Division

**NOTICE OF INTENT TO ADOPT A PROPOSED AMENDMENT TO THE RULES
AND NOTICE OF PUBLIC HEARING**

Chapter 250-6 Establishment/Crematory Licensure and Regulations
Rule 250-6-.01. Funeral Establishment / Crematory Licensure Requirements

TO ALL INTERESTED PERSONS AND PARTIES:

Notice is hereby given that pursuant to the authority set forth below, the Georgia State Board of Funeral Service (hereinafter "Board") proposes an amendment to Chapter 250-6 Establishment/Crematory Licensure and Regulations, Rule 250-6-.01. Funeral Establishment / Crematory Licensure Requirements (hereinafter "proposed rule amendment").

This notice, together with an exact copy of the proposed rule amendment and a synopsis of the proposed rule amendment, is being distributed to all persons who have requested, in writing, that they be placed on the interested party notification list. A copy of this notice, an exact copy of the proposed rule amendment, and a synopsis of the proposed rule amendment may be reviewed during normal business hours of 8:00 a.m. to 5:00 p.m. Monday through Friday, except official State holidays, at the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. These documents will also be available for review on the Board's website page at <http://sos.ga.gov/index.php/licensing/plb/30>, or by contacting the Board at 478-207-2440.

Any interested party affected by the rule may present written comments to the Board no later than close of business June 5, 2018. Written comments must be legible, signed, and should contain contact information from the maker (address, telephone number, email address, etc.). Written comments should be addressed to Lisa W. Durden, Director, Office of Secretary of State, Professional Licensing Boards Division, Georgia State Board of Funeral Service, 237 Coliseum Drive, Macon, Georgia 31217; fax (866) 888-1308. Oral statements presented during the public hearing should be concise and will be limited to five (5) minutes per person.

The Board voted to adopt this Notice of Intent at its April 10, 2018 meeting. The Board also voted that the formulation and adoption of this rule does not impose excessive regulatory cost on any licensee and any cost to comply with the proposed rule cannot be reduced by a less expensive alternative that fully accomplishes the objectives of O.C.G.A. § 43-1-19; 43-1-25; 43-18-23; 43-12-46; and 43-18-70 to 43-18-73. Finally, the Board voted that it is not legal or feasible in meeting the objectives of O.C.G.A. §43-1-19; 43-1-25; 43-18-23; 43-12-46; and 43-18-70 to 43-18-73 to adopt or implement differing actions for businesses as listed in O.C.G.A. § 50-13-4(3)(A), (B), (C), and (D). The formulation and adoption of these rules will impact every licensee in the same manner and each licensee is independently licensed or owned and operated in the field of funeral service.

A public hearing is scheduled to begin at 1:00 p.m. on June 12, 2018, in the Office of the Secretary of State, Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217 to provide the public an opportunity to comment upon and provide input into the proposed rule amendment.

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The proposed rule amendment will be considered for adoption by the Georgia State Board of Funeral Service at its meeting scheduled to begin 1:00 p.m. on June 12, 2018 at the Professional Licensing Boards Division, 237 Coliseum Drive, Macon, Georgia 31217. According to the Department of Law, State of Georgia, the Georgia State Board of Funeral Service has the authority to adopt the proposed rule amendment to 250-6-.01 pursuant to authority contained in O.C.G.A. § 43-1-19; 43-1-25; 43-18-23; 43-12-46; and 43-18-70 to 43-18-73.

For further information, contact the Board office at (478) 207-2440.

This notice is given in compliance with Section 4(a)(1) of the Georgia Administrative Procedures Act (O.C.G.A. §50-13-4).

This 2 day of May 2018.



Lisa W. Durden, Director
Professional Licensing Boards

Posted: 5/2/2018

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SYNOPSIS OF PROPOSED CHANGES TO THE RULES
Chapter 250-6 Establishment/Crematory Licensure and Regulations,
Rule 250-6-.01. Funeral Establishment / Crematory Licensure Requirements

Purpose: The purpose of this amendment is to add language to further clarify the rule content.

Main Features: The main features of this amendment are replacement of antiquated pronouns, addition of language to further clarify rule content, and update language regarding inspection process.

**DIFFERENCES BETWEEN THE EXISTING RULE AND THE
PROPOSED AMENDMENTS TO THE RULE**
Chapter 250-6 Establishment/Crematory Licensure and Regulations
Rule 250-6-.01. Funeral Establishment / Crematory Licensure Requirements

[Note: underlined text is proposed to be added; lined-through text is proposed to be deleted.]

Chapter 250-6 Establishment/Crematory Licensure and Regulations,
Rule 250-6-.01. Funeral Establishment / Crematory Licensure Requirements

- (1) A funeral establishment or crematory may be operated only if it possesses a license valid for that establishment or crematory. Application to the Board for licensure shall be made on a Board-approved form and shall require submission of the proper fee. ~~Application~~ The application must be complete in its entirety and must be received at least fifteen (15) days prior to the Board meeting at which it will be considered. The Board shall accept or reject each application by majority vote.
- (2) A license for a funeral establishment or crematory is issued to that particular establishment or crematory under a specified name, at a specified location, and under a specified funeral director in full and continuous charge.
- (3) An establishment shall operate only under the name in which the license was issued.
- (4) A license may be issued to a funeral establishment or crematory only if ~~such~~ the business has a licensed Funeral Director in Full and Continuous Charge. See O.C.G.A. § 43-18-71 and Rule 250-6-.08 for the requirements concerning the Funeral Director in Full and Continuous Charge.
- (5) An inspection of a funeral home or crematory shall be made by a Board inspector prior to licensure. Inspection must be completed after the application has been administratively reviewed, is determined to have no deficiencies, and ~~approved and~~ prior to Board meeting at which it will be considered. Requirements of inspection for funeral establishment and crematories are listed in Rule 250-6-.06 and Rule 250-6.07, respectively. If reinspection is required, an additional fee shall be payable prior to reinspection. Refer to Fee Schedule.

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- (6) A crematory may be operated only if it possesses a separate license for such purpose. However, a funeral establishment for which a valid license to operate is in effect on July 1, 2002, shall not be required to obtain a separate license to operate a crematory until on and after the renewal date to operate a funeral establishment must comply with the minimum equipment and facilities requirements and all other statutes, rules and regulations relating to crematories.

Authority: O.C.G.A. § Secs. 43-1-19; 43-1-25; 43-18-23; 43-12-46; and 43-18-70 to 43-18-73

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